

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,

Petitioner,

v.

WARDEN, San Quentin State Prison,

Respondent.

No. 2:01-cv-0507 MCE DB

DEATH PENALTY CASE

ORDER

Petitioner moves pursuant to 28 U.S.C. § 1825(b)(1) for compensation for the following non-expert witnesses: (1) Lori Prestley¹; (2) Jeffrey R. Richards; (3) Lael E. Richards; (4) Joseph Ross; and (5) Shannon Rivera-Sartore. (ECF No. 622.) Petitioner states, these individuals were subpoenaed and appeared for depositions on November 14-17, 2022. (Id. at 1.) Petitioner further states these depositions were part of a petition for writ of habeas corpus in which petitioner is proceeding in forma pauperis and these witnesses testified on behalf of petitioner. (Id. at 1-2.)

Petitioner states Ms. Prestley is entitled to receive \$87.16; \$40.00 for her attendance and \$47.16 for travel expenses. Ms. Prestley traveled 72 miles to attend the deposition and return home on November 14, 2022.

////

¹ Lori Prestley was previously known as Lori Barnhart Dutton. (See e.g., ECF No. 359 at 7.)

Petitioner states Mr. Richards and Ms. Richards are each entitled to \$40.00 for their attendance on November 15, 2022. They did not expend any travel costs to attend the deposition.

Petitioner states Mr. Ross traveled 7 miles to attend the deposition and return home on November 16, 2022. Thus, Mr. Ross is entitled to receive \$44.50; \$40.00 for attendance and \$4.45 for travel expenses.

Ms. Rivera-Sartore traveled 46 miles round trip to attend the deposition on November 17, 2022. Petitioner states she is entitled to receive \$70.13; \$40.00 for her attendance and \$30.13 for travel expenses.

IT IS HEREBY ORDERED:

1. The Court certifies that the testimony of (1) Lori Prestley; (2) Jeffrey R. Richards; (3) Lael E. Richards; (4) Joseph Ross; and (5) Shannon Rivera-Sartore is relevant and material to the instant action in order to perpetuate witness testimony.

2. Pursuant to 18 U.S.C. § 3006A and 28 U.S.C. § 1825, the United States Marshal is authorized to pay fees of witnesses who testify on behalf of clients represented by the Federal Public Defender. See also Guide to Judiciary Policy, Volume VII, §§ 320.40.20; 320.40.10.

3. The United States Marshal is directed to pay:

Lori Prestley \$87.16;

Jeffrey R. Richards \$40.00;

Lael E. Richards \$40.00;

Joseph Ross \$45.50; and

Shannon Rivera-Sartore \$70.13.

Dated: June 11, 2023


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DB:12
DB/orders-capital/riel.0507.depo paym ord